



Michael W. Scarborough

Partner

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PRACTICE AREAS

- Antitrust and Trade Regulation
- Litigation
- Intellectual Property

OVERVIEW

Michael Scarborough is a partner in the Antitrust and Trade Regulation Practice Group in the firm's San Francisco office.

Areas of Practice

Mr. Scarborough specializes in complex litigation, with particular expertise in antitrust, unfair competition and consumer protection matters. He has significant experience defending U.S. and multinational businesses in all phases of class action litigation, as well as in civil and criminal matters involving federal and state enforcement agencies.

Mr. Scarborough's tireless and determined client advocacy has garnered him recognition by Benchmark Litigation and Northern California Super Lawyers, as well as by Competition Law360, which recently selected him as one of the top 10 competition lawyers in the United States under the age of 40.

EDUCATION

- J.D., University of California, Berkeley, 1999
- B.A., University of Virginia, 1993, *with distinction, phi beta kappa*

ADMISSIONS

- California
- Ninth Circuit Court of Appeals
- United States District Courts for the Northern and Eastern Districts of California

EXPERIENCE

Representative Litigation Experience

National counsel defending industry-leading multinational electronics companies in criminal and civil price-fixing actions regarding cathode ray tube products; *In re Cathode Ray Tube (CRT) Antitrust Litig.*, MDL No. 1917 (2007-present).

Representing international electronics companies in criminal and civil price-fixing actions concerning thin film transistor liquid crystal display products; *In re TFT-LCD (Flat Panel) Antitrust Litig.*, MDL No. 1827 (2006-present).

Defended Samsung Electronics companies in civil price-fixing class actions regarding static random access memory chip products; *In re SRAM Antitrust Litig.*, MDL No. 1819

(2006-2011).

Representing MasterCard International Incorporated in coordinated class actions and related settlement appeals concerning alleged payment card tying and network exclusionary practices; *In re Credit/Debit Card Tying Cases*, Cal. Jud. Council Coord. Proc. No. 4335 (2000-present).

For MediaNews Group and California Newspapers Partnership, blocked private antitrust challenge to acquisition of *Contra Costa Times* and *San Jose Mercury News* (2006-2007).

On behalf of MasterCard International Incorporated, secured dismissal of putative class action regarding data security breach under California consumer privacy laws (2005-2009).

National counsel defending civil price-fixing and government enforcement actions regarding dynamic random access memory chip products; *In re DRAM Antitrust Litig.*, MDL No. 1486 (2002-present).

Represented MasterCard International Incorporated in a series of actions challenging foreign currency conversion practices under California's Unfair Competition Law, including five month trial and successful defense appeal of judgment in *Schwartz v. Visa International Service Association, et al.* (2005) 132 Cal.App.4th 1452 (rev. granted 2005; rev. dismissed 2007).

In separate actions, defended and obtained favorable settlements for Samsung Electronics distribution and marketing companies against claims of false and misleading advertising of inkjet printers, MP3 players and hard disk drives, respectively, under California's Unfair Competition Law, False Advertising Law and Consumers Legal Remedies Act (2003-2009).

Obtained dismissal for MasterCard International Incorporated in representative action challenging payment card chargeback practices under California's Unfair Competition Law (2003-2006).

Represented major national retailer in consolidated consumer privacy class actions for purported violations of California's Song-Beverly Credit Card Act (2004-2007).

Participated in successful trial defense of The Hearst Corporation in private antitrust action challenging acquisition of the *San Francisco Chronicle*. See *Reilly v. The Hearst Corporation, et al.* (N.D. Cal. 2000) 107 F.Supp.2d 1192, 2000-2 Trade Cas. (CCH) ¶ 72,992.

HONORS

- *Rising Star*, Competition Law360 (selected as one of the top 10 competition lawyers in the United States under the age of 40), 2010
- *Future Litigation Star*, Benchmark Litigation, 2009-2012
- *Rising Star*, Northern California Super Lawyers, 2011

MEMBERSHIPS

- American Bar Association, Antitrust Section
- State Bar of California, Antitrust and Unfair Competition Law Section

- Bar Association of San Francisco

ARTICLES

- Rising Stars: Sheppard Mullin's Michael Scarborough, *Law360*, April 1, 2010

Publications

- Co-Author, *The Case For Eliminating ACPERA's Supplemental Cooperation Requirement For Amnesty Applicants*, *Competition: The Journal of the Antitrust and Unfair Competition Law Section of the State Bar of California*, Vol. 20, No. 2, Fall 2011
- Contributing author, *Model Jury Instructions in Criminal Antitrust Cases*, ABA Section of Antitrust Law (2009)
- Contributing author, *California State Antitrust & Unfair Competition Law*, The State Bar of California Antitrust and Unfair Competition Law Section (2009)
- California Enacts New E-Discovery Rules (July 2009)
- Yes, We Really Do Have Amnesty: District Court Enforces DOJ Corporate Leniency Agreement, Dismisses Indictment Against Stolt-Nielsen And Company Executives (January 2008)
- IPO Underwriters Win Broad Antitrust Immunity In Supreme Court (July 2007)
- Plaintiffs Plead Your Plus Factors: Supreme Court Steps Up Antitrust Conspiracy Pleading Requirements (June 2007)
- Foreign Plaintiffs Challenging Global Cartels Strike Out Again In U.S. (March 2007)
- Second Circuit Affirms Dismissal of Merchant's Section One Challenges to MasterCard Rules (December 2006)
- Do We Really Have Amnesty?: Uncertainty Remains About DOJ Corporate Leniency Program After Third Circuit Throws Out Ruling Barring Indictments Against Stolt-Nielsen And Company Executive (May 2006)